

THE THEORY AND PRACTICE OF CENSORSHIP IN SIXTEENTH-CENTURY ENGLAND

By D. M. Loades, M.A., Ph.D., F.R.Hist.S.

READ AT THE SOCIETY'S CONFERENCE
18 SEPTEMBER 1973

A student of the sixteenth century is always tempted to represent his period as being one of unprecedented change and new departures. In the case of my present subject the temptation is particularly strong, because printing was a new invention, and the technical problems and opportunities which it presented to governments were also new. Nevertheless it would be most misleading to begin a discussion of Tudor censorship with Sir Thomas More's restrictive proclamation of 1530, or even with the introduction of printing to England in 1476. The concept of society, and of the duties and responsibilities of government, which censorship was to reflect was deeply rooted in the past, and was not fundamentally challenged until the puritan revolution of the seventeenth century.

The image used was that of an organism. Society was a 'body politic', each of whose members existed in a fore-ordained and permanent relationship with the rest. This situation expressed the will of God, and its preservation represented that *pax terrena* which St Augustine had described as the highest achievement of temporal government. To sow discord in society—to set one member against another or any member against the head—was thus not merely a crime but an offence against God. This ideal of harmony, and of unquestioning acquiescence in the will of the ruler and the *status quo*, enjoyed universal currency largely because the attainment fell so far short of the aspiration. All medieval societies were in process of being slowly won from narrow allegiances to wider, from violence to litigation, and from self-help to dependence upon public authority. In this process the concept of the 'body politic' was both an inspiration and a help. Tudor England was still in the throes of this development when the controversial policies of Henry VIII and his children added a new emphasis to the traditional insistence upon the solemn duty of obedience. It would hardly be an exaggeration to say that the whole success of their

revolt against the papacy depended upon their ability to persuade their subjects to accept this adaptation of the ancient theory. Tudor propaganda derived much of its effect from deep-rooted fears of lawlessness and strife which owed little to the immediate issues of controversy. The official attitude was well expressed by the Lord Keeper, Sir Nicholas Bacon, in 1567:

It is given to the Queen's Majesty to understand that divers her subjects by their evil dispositions do sow and spread abroad divers seditious errors and rumours to the derogation and dishonour first of Almighty God in the state of religion established by the laws of this realm, and also to the dishonour of her highness in disproving her lawful right to supremacy amongst her subjects. And this that they do is not done secretly or by stealth, but openly avouched . . . as for example by bringing in and spreading abroad divers seditious books and libels from beyond the seas . . . if such disorders be not redressed by law, then must force and violence reform . . . then you well know that law is put to silence and cannot be executed which should only maintain good order. . . .¹

Censorship was thus an inevitable consequence, not only of an insecure regime but also of the responsibility which had rested upon the monarchy time out of mind to protect society from its own disruptive instincts, and to defend the people of God against the wily onslaughts of the devil in whatever form he was then supposed to appear.

bringing in of these books and seditious libels [Bacon continued] maketh mens minds to be at variance one with another, and diversity of minds maketh seditions, seditions bring in tumults, tumults make insurrections and rebellions, insurrections make depopulations and bring in utter ruin and destruction of mens bodies, goods and lands.

The roots of censorship lay far back in the Middle Ages, in two separate but related codes. On the one hand, the law of the church forbade the teaching of heretical doctrine, and in England this law had been reinforced by the early fifteenth-century statutes against Lollardy. In 1408 Convocation had prohibited the reproduction of English translations of the scriptures, unless such translation was specifically authorized, and in 1414 Parliament had confirmed the legal right of ecclesiastical officials to proceed against the makers and writers of heretical books.² On the other hand

¹ Public Record Office, State Papers Domestic, Elizabeth, vol. 4, no. 52.

² D. Wilkins, *Concilia* (London, 1737), iii, p. 317: 2 Henry V, 1, c. 7.

stood the law of treason, and that small group of statutes sometimes collectively known as *Scandalum Magnatum*. Open abuse of the king, whether in speech or writing, was an ancient offence and could be construed as treason under the Act of 1352. For example in 1450 a certain William Dalton of Ipswich was indicted for declaring 'that he would that our sovereign lord the king . . . were as cold at his heart root as the stone under his foot be so we had another king that could better rule this land. . . .'³ Similarly, defamation of the king's officers and of the 'great men of the realm' was already an offence before the first Statute of Westminster in 1275. The thirty-fourth chapter of that statute provided that anyone who should 'tell or publish any false news or tales whereby discord or occasion of discord or slander may grow between the king and his people, or the great men of the realm . . .' should be imprisoned 'until he hath brought him into the court which was the first deviser of the tale'.⁴ It thus became an offence to spread or repeat such gossip as well as to originate it. Two statutes of Richard II repeated the substance of this chapter, adding only that the spreaders of tales whose devisers could not be found were to be punished at the discretion of the Council.⁵ These acts remained the basis of the law until the legislation of the Reformation parliament, and were confirmed by statute as late as 1555, when the government of Mary was faced with a fresh upsurge of criticism and hostile comment.⁶

How often this law was invoked we do not know, but the connection between agitation and action was real enough. In 1450 rumours that the court was planning a ferocious revenge for the death of the duke of Suffolk helped to launch the rebellion of Jack Cade. Twenty years later Sir Robert Welles confessed that the Lincolnshire rising of 1470 'was grounded upon this noise raised among the people that the king was coming down with a great power into (the county) where the king's judges should sit and hang and draw great numbers of the commons'—a rumour which Sir Robert himself seems to have invented for the purpose.⁷ Recent research has also shown that similar 'tales' played an important part in launching the Pilgrimage of Grace and the Wyatt rebellion of 1554.⁸ In the latter year the Council, alarmed by the rising tide

³ Public Record Office, King's Bench Plea Rolls, KB27/760, r. Rex 3.

⁴ Edward I c. 34; *Statutes of the Realm* (London, 1810–28), i, p. 35.

⁵ 2 Richard II st. 1 c. 5; 12 Richard II c. 11.

⁶ 1 and 2 Philip and Mary c. 3.

⁷ 'Chronicle of the rebellion in Lincolnshire, 1470', ed. J. G. Nichols, *Camden Miscellany*, i (London, 1847), p. 22.

⁸ M. E. James, 'The Lincolnshire rebellion of 1536', *Past and Present*, 48 (1970), pp. 1–70; D. M. Loades, *Two Tudor Conspiracies* (Cambridge, 1965).

of disaffection, wrote around to the justices of the peace, urging them to renewed efforts because 'vain prophecies and untrue bruits (are) the very foundation of all rebellion'.⁹ Recent studies have tended to show that the connection between words and deeds in the mid-sixteenth century was less immediate than many contemporaries feared, and probably less immediate than it had been in the previous century, but it was close enough for alarm and corresponding precautions to be justified. 'In our country', wrote Sir John Mason in 1554, '... talking is preparatory to a doing.'¹⁰

Seditious talk was both a symptom and a cause of disaffection, and was a constant preoccupation of Tudor governments particularly after the royal supremacy had subordinated ecclesiastical jurisdiction to the Crown. The law expanded and became very much more precise. It became treason to call Henry VIII 'schismatic' or 'heretic' as well as 'tyrant', or to reject his various rearrangements of the succession. It became treason to pray that Queen Mary's heart might be turned from Popery, or to call Elizabeth 'bastard' or 'usurper'. Where we have only isolated examples of proceedings against offenders before 1530, after that date we have plentiful material for a study of the law and its enforcement.¹¹ However, the basis upon which the law rested did not change. Cromwell and Cecil were more diligent and effective administrators than their predecessors, and could use lay and ecclesiastical officials interchangeably, but their reasons for punishing the authors and spreaders of 'lewd and seditious tales' would have been perfectly comprehensible to the framers of the Statute of Westminster.

Censorship was the extension of this principle to the expression of similar sentiments in writing or in print. Consequently the three methods of communication were frequently linked together. A typical example is a statute of 1563 'against fond and fantastical prophecies', which stood in the direct tradition of *Scandalum Magnatum*. This prohibited the 'publishing and setting forth' of such prophecies concerning the queen 'and other noble persons' by 'writing, printing, singing or other open speech or word'.¹² The

⁹ British Museum, Cotton MSS, Titus B 11, f. 104.

¹⁰ *Calendar of State Papers, Foreign, Edward VI and Mary* (London, 1861), ii, p. 119.

¹¹ See particularly G. R. Elton, *Policy and Police* (Cambridge, 1972), concerning the activities of Cromwell and his agents.

¹² 5 Elizabeth c. 15. Another interesting case is that of William Oldenall, tried in King's Bench in 1557 for declaring, 'That the Queen's Majesty was baseborn, and that in St Paul's Churchyard a twopenny book might be had which would prove his saying to be true'. Public Record Office, KB27/1184 r. Rex. 12d.

author of a seditious writing, like the originator of a seditious rumour, might, if caught, be proceeded against for misdemeanour, felony or treason according to the seriousness of the offence. Possessors and distributors of such writings, like the spreaders of rumours, normally stood in danger only of the lesser penalties. But, of course, writings were tangible objects, and printed books and pamphlets went through a sophisticated process of production. So although the principles behind censorship and the suppression of seditious speech were the same, and the laws extremely similar, the techniques of enforcement naturally differed.

Printing was first and foremost a business—a group of crafts by which men maintained themselves and their families. This undoubtedly assisted the process of censorship, but it also brought into existence a complex structure of ordinary trade control similar to that which regulated the production of woollen cloth, pins, or any other manufacture.¹³ Consequently there were almost from the beginning two distinct but overlapping systems of regulation, and this fact has to some extent confused the study of government attitudes towards the press. For the half-century after its introduction into England, printing was treated simply as a new and ingenious form of manufacture. Edward IV and Henry VII both patronized printers, and the latter appointed the first Royal Stationer.¹⁴ The main bone of contention was the early domination of the trade by aliens, a domination which was expressly permitted by a statute of 1484 which gave aliens full freedom to practise the craft. This freedom was systematically attacked and undermined by the London Stationers, and a series of statutes in 1515, 1523, 1529 and 1534 whittled away and finally abolished the privileges of the foreign printers. The form of all these Acts, even the last, strongly suggests that they were trade measures in which the government was yielding to the demands of the Stationers, rather than security measures initiated by the Crown.

The monopolistic position of the Stationers was strongly consolidated in 1557 by the grant of a royal charter to the Company, and for the remainder of the century the Wardens operated their own licensing system. As we shall see, this was closely related to government censorship, but it was by no means identical with it. Nor was the Crown's direct concern with the press always of a restrictive nature. The continuous sequence of Royal Printers had begun in 1503,¹⁵ and in 1544 Henry VIII had granted the first

¹³ H. S. Bennett, *English Books and Readers, 1475-1557* (Cambridge, 1952).

¹⁴ Peter Actors, 'Stationer to the King' from 1485.

¹⁵ The first man to take that title was William Faques. The Royal Printers were the official agents of government propaganda.

patent monopoly, to Grafton and Whitchurch for the printing of service books. Royal patronage of this kind was naturally regarded with suspicion by the Stationers, and the Company tried extremely hard to persuade Elizabeth to give up the granting of patents which diminished its own control. The major part of the correspondence and litigation connected with printing and book-selling in the second half of the sixteenth century relates to the enforcement of the Stationers' own licensing system, or to quarrels between privileged and unprivileged printers. The most celebrated such case is that between the Company and John Wolfe, which provoked a petition from the Wardens to the Privy Council in 1583, and dragged on in Star Chamber for several years before being resolved by compromise. Wolfe's protest touched the prerogative because he challenged the granting of patent monopolies, but there was never any suggestion that the content of his work was seditious.¹⁶

There would have been a Stationers' Company with exclusive policies, a licensing system and a great deal of litigation even if the Tudors had never evinced any serious interest in the propaganda functions of printing—just as it would have been an offence to write seditious or heretical words had the art of printing never been invented.

Nevertheless, the development of the press did present both church and state with a security problem of unprecedented dimensions. John Foxe put his finger upon the point very accurately when he contrasted the effectiveness of protestant teaching in his own day with the earlier impact of Wycliffe and Huss:

... although through might be stopped the mouth of John Huss
 ... God hath opened the press to preach, whose voice the Pope
 is never able to stop with all the puissance of his triple crown. ...¹⁷

In England the first awareness of this danger dawned with the appearance of early Lutheran tracts, and of Tyndale's English New Testament in the mid-1520s. The ecclesiastical machinery, which had dealt so effectively with Lollard writings in the previous century, was soon seen to be hopelessly inadequate in this new situation. In 1524 Cuthbert Tunstall, the bishop of London, issued the first regulations which recognized the distinctive importance of the new medium. No books were to be imported without episcopal permission, and no new works were to be printed without licence from the same authority. The effect of these orders seems

¹⁶ W. W. Greg, *A Companion to Arber* (Oxford, 1967), pp. 28–29; Public Record Office, *State Papers Domestic, Elizabeth*, vol. 15 nos. 38–40.

¹⁷ J. Foxe, *Acts and Monuments*, ed. G. Townsend (London, 1844), iii, p. 720.

to have been negligible, and it was not until Sir Thomas More as Lord Chancellor entered the fray in 1530 that any effective action could be taken. A royal proclamation of that year 'for the resisting and withstanding of most damnable heresies sown within this land by the disciples of Luther . . .' condemned fourteen named books and ordered that those possessing them should give them up to the ordinary.¹⁸

This proclamation did not add anything to the existing law, provide any extra administrative machinery, or decree any secular penalties, but it did mark the first attempt by the Crown to limit and control the production and circulation of books. With More's energy behind it, it also resulted in a period of close co-operation between royal and ecclesiastical officials, which produced a number of arrests during 1531. In December of that year Richard Bayfield, one of the apprehended traffickers, was burnt for heresy.¹⁹ After this, events moved rapidly, and in the crisis of his 'great matter' Henry's concern over the expression of criticism and opposition reached a new level of sensitivity. It cannot be my concern here to deal with the positive side of government propaganda, but this was the period in which Thomas Cromwell enlisted the services of scholars, publicists and printers on a grand scale to defend and explain the king's proceedings. It was also a period in which prosecutions for treasonable and seditious words reached a new level of intensity and effectiveness.²⁰ By the first Act of Succession it became high treason to 'do or procure to be done by act or deed or word written or printed, anything to the prejudice of the king, against his marriage with Queen Anne. . . .' Also in January 1536 a new proclamation denounced

. . . divers and sundry writings and books, as well imprinted as other in which such writings and books many open and manifest errors and slanders are contained, not only in derogation and diminution of the dignity and authority royal of the king's majesty and of his Imperial Crown, but also directly and expressly against the good and laudable statutes of this realm. . . .²¹

Such works were to be given up within forty days, not to the ordinary but to the Lord Chancellor or Thomas Cromwell. *Scandalum*

¹⁸ P. L. Hughes and J. F. Larkin, *Tudor Royal Proclamations*, i (New Haven, Conn., 1964), pp. 181-86: for the date, see Elton, *Policy and Police*, p. 218 n. 5.

¹⁹ D. M. Loades, 'The Press under the Early Tudors', *Transactions of the Cambridge Bibliographical Society*, iv, i (1964) p. 32.

²⁰ Elton, *Policy and Police*.

²¹ *Tudor Royal Proclamations*, i, pp. 235-37.

Magnatum as well as heresy had now brought the printers into the forefront of controversy.

In spite of this, there was as yet no system of royal licensing. The phrase 'cum privilegio regali' which appears in a number of variants in the colophons of numerous works printed from 1518 onwards seems to have signified a form of copyright rather than an *imprimatur*.²² Such privileges could be granted by authorities other than the king, for example the chancellors of the universities, and were the predecessors of the patents of monopoly which began to appear in the 1540s. It was not until 1538 that the old system of episcopal licences was superseded. In November of that year an important proclamation 'for expelling and avoiding the occasion of . . . errors and seditious opinions by reason of books imprinted in the English tongue' laid down fresh regulations for the trade.²³ No English books were to be imported without the king's special licence, on pain of imprisonment during pleasure and forfeiture of goods; and no English book was to be printed within the realm unless licensed by members of the Privy Council or others appointed, on pain of imprisonment and fine at the king's discretion. Every duly licensed book was to contain the full effect of the licence 'plainly declared and expressed in the English tongue'. Although the bishops retained certain functions, the main burden of inspection and control had now been assumed by the Crown, which already bore the burden of punishing breaches in the existing laws.

Thomas Cromwell's campaign against sedition in the 1530s enjoyed, as we know, a considerable measure of success, but seditious printing was one of his lesser problems. The government brought off a notable *coup* in confiscating all seven hundred copies of *The Nun's Book* before they could be distributed, but references to publishing or distributing undesirable books are few among the surviving records and punishments. Prevention was better than cure, and it was no doubt the need to systematize prevention which led to the introduction of royal licensing. The system seems to have had some effect. The Council acted against offending or suspect printers on a number of occasions, and in the early 1540s clandestine publications began to appear. These were books which can be shown on typographical evidence to have been printed in

²² F. S. Siebert, *The Freedom of the Press in England, 1476-1776* (Urbana, Ill., 1965), pp. 35-36.

²³ *Tudor Royal Proclamations*, i, pp 270-76. It is clear from the original draft of this proclamation, amended in the king's hand, that many of the important changes introduced were Henry's own ideas. Elton, *Policy and Police*, p. 256 n. 1.

England, but which bore colophons ascribing them to Leipzig or Wessel.²⁴ An underground press was the natural consequence of more stringent official oversight. In 1543 the government intensified its pressure. For the first time specific penalties for unlicensed printing appeared upon the Statute book.

. . . if any printer, bookbinder, bookseller, or any other persons or persons . . . print or cause to be printed, or utter, sell, give or deliver withint this realm or elsewhere within the king's dominions of any of the books or writings before abolished or prohibited . . .

the offender was to be imprisoned for three months and fined £10 for each book.²⁵ If he repeated the offence a second time he was liable to forfeiture of goods and perpetual imprisonment. These penalties could be inflicted irrespective of the content of the books concerned, and quite independently of any other penalties which might have been incurred by their authors. This statute therefore clearly marks a new stage in the development of royal policy, a stage perhaps necessitated by the growth of clandestine publishing or perhaps by a decline in the efficiency of less formal conciliar methods after Cromwell's death.

The death of Henry himself in 1547 brought about a relaxation of the treason laws, and a sharp increase in all forms of religious controversy. Somerset and Cranmer, moving cautiously towards a protestant establishment, found themselves caught between two fires. The latter, like other protestant divines, was inclined to see 'truth' as possessing an irresistible persuasive force. By allowing Reformed ideas a much greater liberty of expression, he seems to have hoped to bring about a rapid and peaceful conversion of the country. If such was his hope, it was speedily disappointed, and within a few weeks he found himself denounced with equal vigour by radicals who were disappointed with his caution and conservatives who were disgusted with his heresy. To such traditionalists as Stephen Gardiner, protestantism was the religion of 'liberty', and liberty was the solvent of the whole social order. Damage the fabric of reverence and obedience in one place, he argued, and the whole structure was in danger. ' . . . by his reasoning', he wrote in an attack on William Turner, ' . . . it were idolatry for the servant to make courtesy to his master, wherein he should bow the knee, or the goodman to kiss his wife; but to kneel and kiss his superior's hand

²⁴ *Transactions of the Cambridge Bibliographical Society*, iv, i, p. 33 and n.

²⁵ 34/35 Henry VIII c. 1.

were by him foul and filthy abomination. . . .²⁶ 'O devilish liberty', wrote the similarly minded Miles Huggarde, 'I would to God Germany might have kept thee still. . . .'²⁷

Such arguments carried considerable weight and the English protestant leaders shared their opponents' belief in the need for uniformity. In the late 1540s they had had no experience in the formulation of policy, and soon became alarmed and disillusioned by the outburst of preaching and pamphleteering which greeted their early leniency. 'I never saw so little discipline as is nowadays,' lamented Hugh Latimer in 1549, and he was soon preaching that ' . . . the wicked preachers . . . the gainsayers' must 'have their mouths stopped'.²⁸ Consequently the protestant establishment which was set up between 1549 and 1553 was no more tolerant of dissenting opinions than the regime of Henry VIII. It was, however, rather less successful in making its will effective. This was partly because of the inevitable difficulties attendant upon a royal minority, partly because of dissensions within the Council, and partly because impatient radicals like Hooper were valuable allies in combating the immense, if somewhat inert, weight of conservatism. The law was not changed during the reign of Edward VI, and the proclamations for its enforcement did not bring about any significant developments. On 13 August 1549, the sole licensing authority of the Council was reiterated, this aspect of its work being placed in the hands of 'Mr Secretary Peter, Mr Secretary Smith and Mr Cicill, or the one of them. . . .'²⁹ A further proclamation of 1551 concerning the control of imported books, and of plays and interludes, spoke more generally of ' . . . writing signed with his Majesty's most gracious hand, or the hands of six of his said Privy Council'.³⁰ Such evidence as we have for the effectiveness of this control comes mostly from the records of the Council, and is not extensive. A small number of printers and others were interrogated and bound by recognizances not to offend again. In March 1551 William Seth was arrested on a charge of importing popish books, and his examination gives an illuminating glimpse of what was clearly a well-organized smuggling business.³¹ At least one London printer, Robert Caly, fled abroad during this period and played a part in producing English catholic propaganda; but the major challenge seems to have come from a great

²⁶ Gardiner's tract against William Turner; *The Letters of Stephen Gardiner*, ed. J. A. Muller (Cambridge, 1933), p. 480.

²⁷ Miles Huggarde, *The Displaying of the Protestants* (London, 1556), f. 114^v.

²⁸ Hugh Latimer, *Sermons*, ed. G. E. Corrie (Parker Society, 1844), p. 132.

²⁹ *Acts of the Privy Council*, ed. J. Dasent (London, 1890-1907), ii, p. 312.

³⁰ *Tudor Royal Proclamations*, i, pp. 514-18.

³¹ *Historical Manuscripts Commission, Hatfield*, i, pp. 83-84.

increase in the home production of ballads, broadsides and other ephemera, and in this direction the government's censorship efforts very largely failed.

The advent of the catholic Mary in 1553 led to a further aggravation of the problem. From the beginning the printers and stationers of London seem to have included a disproportionate number of protestant sympathizers, and protestant propaganda had a *panache* and an edge lacking in the writings of conservatives. The queen's first reaction was to see the large output of heretical literature simply in terms of gratifying a demand for novelty and scurrility. Her initial proclamation on religious matters denounced the

printing of false fond books, ballads, rhymes and other lewd treatises in the English tongue concerning doctrine now in question and controversy . . . which books, ballads, rhymes, and treatises are chiefly by the printers and stationers set out to sale to her graces subjects of an evil zeal for lucre and covetousness of vile gain.³²

The same proclamation also made reference to 'her grace's special licence in writing', but gave no indication as to how this licence was to be bestowed, and threatened simply 'due punishment' according to the order of the existing law for those who should fail to obtain it. It is not clear how Mary's licensing system worked at any stage of her reign. Perhaps the power remained vested in the Privy Council, but more probably it was returned to the church, particularly after Cardinal Pole took up his legatine responsibilities in England at the end of 1554. Significantly, we know very much more about the government's attempts to suppress heretical and seditious literature already in circulation than we do about any system of search and prevention.

It is not my purpose here to discuss the propaganda campaign against Mary. Its general features are sufficiently familiar. Large quantities of protestant polemic, exhortation and spiritual guidance were printed in such places as Strasbourg, Basle and Emden, and smuggled into the country by numbers of bold and determined men and women. Within England, clandestine presses produced some similar works, and also ballads, broadsheets and books of a more frankly political and subversive nature, such as *The copy of a letter sent by John Bradford*, which was a violent and libellous attack upon Philip.³³ Against this attack the government defended itself for the most part by traditional means, proclamations and

³² *Tudor Royal Proclamations*, ii (New Haven and London, 1969), pp. 5-6.

³³ For the consideration of this work see my note in the *Transactions of the Cambridge Bibliographical Society*, iii, ii (1960), pp. 155-60.

Council letters urging officials to do their duty and enforce the law. The law itself was also twice extended. In January 1555 it became a felony to publish slanders against the king and queen which could not be construed as treason, the penalty being the loss of the right hand. Another statute of the same session also made it treason to preach or write against King Philip's title, or to conspire his death by such means.³⁴ In June of 1555 an index of prohibited authors was proclaimed, and towards the end of the reign, in June 1558, martial law was extended to cover the possession of any heretical or treasonable book, wherever published.³⁵

Enforcement, as usual, fell far short of intention. In spite of the revived jurisdiction of the church, special royal commissions were set up 'to inquire concerning all heresies, heretical and seditious books . . . [within a given area] with power to seize all such books and writings . . .', but they do not seem to have been very effective.³⁶ Fewer than twenty individuals are on record as having been proceeded against for offences of this kind, and the majority of those escaped any serious penalty. John Day, swiftly detected and apprehended in October 1554, escaped from custody and got away to the Continent. Of the six men arrested in March 1557 for producing a number of clandestine books, three were eventually released upon recognizances of £40, one was indicted and almost immediately pardoned, and the other two disappear from the records.³⁷ William Rydall, William Copland, John Kingston and Thomas Marsh were all censured by the Council, although no worse penalties seem to have been imposed.³⁸ Probably there were prosecutions at the assizes, which cannot now be traced, but on the surviving evidence the discrepancy between the anxiety displayed and the level of effective action is very marked.

It is against this background that the incorporation of the Stationers' Company in March 1557 should be seen. The Company already had a long history but the grant of a royal charter increased its prestige, and gave it the right, and power, to defend its own monopolistic interests. These interests could readily be made to serve the policy of the Crown. When the Master and Wardens of the newly chartered company were given the right to search out and destroy books which infringed their own regulations, they were also empowered to ' . . . make search in any place, shop or

³⁴ 1 and 2 Philip and Mary c. 3; 1 and 2 Philip and Mary c. 10.

³⁵ *Tudor Royal Proclamations*, ii, p. 90.

³⁶ *Calendar of the Patent Rolls, Philip and Mary* (London, 1936-39), iii, p. 24.

³⁷ *Transactions of the Cambridge Bibliographical Society*, iv, i, p. 44.

³⁸ *Ibid.*, p. 45. All these men were established printers and among the original 97 members of the Chartered company.

building of any printer, binder or seller of books printed contrary to statute or proclamation, and . . . seize or burn the same'.³⁹ Thereafter, it is clear that the government depended heavily upon the co-operation of the Company in controlling subversive publication. The Wardens were concerned to protect the interests of their members, and their licensing system overlapped that of the Crown without being dependent upon it. It was not until after the Star Chamber decree of 1586 that a record of the government licence normally accompanied the registration of a new work in the Company's own records.

The well-documented and complex Elizabethan system was thus built upon a substantial foundation of practical experience, as well as upon a more general basis of accepted political and social theory. There is neither space nor need for me here to discuss the progressive elaboration of those treason laws with which the government protected itself against catholic intrigue and ideology. The vast majority of those who fell foul of the government for writing, printing, importing or distributing seditious books did so in the service of the catholic church. Men like William Carter and Richard Verstegan were persistent and courageous, and kept the Council in a perpetual state of anxiety. Indeed the catholics were well served by their press, which never wholly succumbed to official pressure, and it was not the fault of its literary agents that the Roman church failed to recover England for the Counter Reformation. At the opposite extreme, although upon a much smaller scale, the government also suffered intermittent anxiety about puritan attacks upon the queen's management of the church. 'Papists and precisians have one mark to shoot at', wrote Parker in 1573, 'plain disobedience'; and Cecil, who was sympathetic to their cause, observed that 'to think it a burden of conscience to observe the orders and rites of the church established by law (is) a matter pernicious to the state of Government'.⁴⁰

Consequently penalties were inflicted upon the protagonists of both sides at all levels, from fining and imprisonment to mutilation and death. Against catholic sympathizers and censorship laws operated mainly at the lower level. William Carter was one of very few whose treason consisted principally of clandestine printing.⁴¹ Against some puritans however, such as Stubbs and Penry, seditious

³⁹ *Cal. Pat. Rolls, Philip and Mary*, iii, p. 480.

⁴⁰ British Museum, Cotton MSS, Titus B II, f. 249; quoted by Conyers Read, *Queen Elizabeth and Lord Burghley* (London, 1960), p. 117.

⁴¹ Carter was a persistent offender, but the government had some difficulty in securing his conviction; Siebert, *The Freedom of the Press in England*, pp. 89-90.

writing was the only charge. The latter was convicted and hanged for felony in 1593 for writing an open letter to the queen, part of which ran:

Therefore, Madam, you are not so much an adversary unto us poor men as unto Christ Jesus and the wealth of his kingdom. But, Madam, this much we must needs say. That in all likelihood if the days of your sister Queen Mary and her persecution had continued to this day, that the church of God in England had been far more flourishing than at this day it is.⁴²

If his share in the Marprelate publications played any part in persuading the authorities to act against him, it did not appear at his trial.

It is understandable in the circumstances that such 'derogation of the Queen's authority' should be taken seriously, but on the whole the government seems to have been reluctant to take extreme measures. In his explanation for the necessity of censorship laws in 1567, Bacon justified the sharp application of lesser penalties on just these grounds:

... when execution thereof . . . by touching half a dozen offenders may sufficiently warn half a hundred, I think those laws nor the execution of them may justly be called extreme. . . .⁴³

moreover '[when] by whipping a man may escape hanging . . . it were better to be twice whipped than once hanged. . . .' As in the 1530s, it was clearly recognized that prevention was better than cure and Cecil, like Cromwell, was a master in the management of positive propaganda. He was forced, however, by technical developments to excel his predecessor in his painstaking supervision of the press. The Royal Injunctions of 1559 made comprehensive provision for licensing:

' . . . because there is great abuse in the printers of books, which for covetousness chiefly regard not what they print so they may have gain. . . .'⁴⁴

Licences could be granted by the queen herself, six of her Privy Council, the two archbishops and the bishop who was ordinary of the place of publication, or by any two of them, provided that the ordinary was one. At the same time, to prevent the publication of

⁴² Public Record Office, King's Bench Plea Rolls, KB27/1325 r. Rex 3.

⁴³ Public Record Office, State Papers, Domestic, Elizabeth, vol. 44 no. 52.

⁴⁴ *Visitation Articles and Injunctions*, ed. W. H. Frere and W. P. M. Kennedy (Alcuin Club, London, 1910), iii, p. 24.

pamphlets, plays or ballads, 'heretical, seditious or unseemly for Christian ears', such works must be licensed by three members of the newly-established ecclesiastical commission. The same commissioners were also made responsible for overseeing all other matters concerning the printing or importation of books, '... to which her Majesty straightly commandeth all manner her subjects, and especially the Wardens and Company of Stationers, to be obedient.'⁴⁵ These regulations were supplemented in 1566 by a Council decree laying down a scale of penalties for unlicensed printing (irrespective of content), which involved exclusion from the trade, fines and imprisonment. Twenty years later the whole system was drastically simplified by a well-known Star Chamber edict which placed all licensing (except that of law books) in the hands of the archbishop of Canterbury and the bishop of London;⁴⁶ and in the closing years of the century those perpetual gadflies the actors and players of interludes were curbed by the evolution of a subsidiary licensing system operated by the Lord Chamberlain and his assistant the Master of the Revels.⁴⁷

The enforcement of these regulations lay first and foremost in the hands of the Stationers' Company, and its registers provide the best evidence for the working of the system.⁴⁸ The Company organized weekly searches, and the Court of Assistants destroyed illicit books, defaced illegal type, fined, excluded and occasionally imprisoned offending printers on its own authority. Co-operation with the ecclesiastical commissioners was close, if not always enthusiastic. In 1582 the Company complained of the charges which it had undergone through searching for and suppressing popish books by warrant of the Commission.⁴⁹ The commissioners never seem to have hesitated to issue instructions to the Wardens, and these were almost invariably obeyed. From 1588 onwards the licensing function of the archbishop of Canterbury and the bishop of London was regularly delegated to a group of deputies, and the names of these men constantly appear authenticating licences in the Stationers' Register. By the end of the century the appointment of Master Printers was tightly controlled by High Commission,⁵⁰

⁴⁵ *Ibid.*, p. 25.

⁴⁶ Public Record Office, *State Papers Domestic, Elizabeth*, vol. 190, no. 48.

⁴⁷ E. M. Albright, *Dramatic Publication in England, 1580-1640* (New York, 1927).

⁴⁸ *A Transcript of the Registers of the Stationers' Company, 1554-1640*, ed. E. Arber (London and Birmingham, 1875-94).

⁴⁹ British Museum, Lansdowne MSS, 48/83 f. 195; Greg, *A Companion to Arber*, p. 91.

⁵⁰ This was also laid down in the Star Chamber decree of 1586. Siebert, *The Freedom of the Press in England*, p. 70.

and it is probable that that court dealt with a proportion of the more serious offences against the licensing laws.

The part played by Star Chamber is rather less clear. It certainly handled patent and privilege cases, and concerned itself with the issuing of regulations, but does not seem to have dealt with penal offences. In 1593 the pursuivant Richard Topcliffe sent what he described as 'a lewd traiterous book' to Lord Keeper Puckering, commenting that he did not know how soon there might be proceedings 'in Star Chamber or elsewhere',⁵¹ but the jurisdiction of Star Chamber did not extend to treason, and major disciplinary cases seem to have been dealt with exclusively by the courts of Common law. A systematic search of the assize records would probably reveal many such cases. It is well known that John Udall was so handled, and glimpses can be caught of proceedings against more obscure men, such as Robert Sutton of Aylsham, indicted at the Norfolk assizes in 1584 for distributing and defending a book containing the words 'not to be with the pope is to be with Anti-Christ'.⁵² It may well be that the bulk of those who disappear from the records after imprisonment and interrogation by the Council were committed to the assizes, but for the moment their fate remains unknown.

The council, of course, bore the overall responsibility for enforcement, and it might use other agents than the Stationers or the Ecclesiastical Commission. Outside London the Lord Lieutenant or justices; inside London the Lord Mayor, as when the latter acted in 1568 to arrest the author of a pamphlet against the duke of Alva. Occasionally the Council even acted directly, as it did in 1570 to suppress William Elderton's ballad *Dr Story's stumbling into England*.

The impression created by a study of Elizabethan censorship is one of great assiduity and relative effectiveness. Techniques of suppression had kept pace with the techniques of sedition, and it is hard to imagine any sixteenth-century government doing better. Yet it was, in an important sense, a barren achievement. With its emphasis upon uniformity and strict repression of criticism, official thinking had not advanced beyond the Lollard laws, and *Scandalum Magnatum*. At the same time political and social developments had created a much more stable and governable community than that which the Tudors had won in 1485. Censorship had played its part in helping to bring this about, but by 1600 the time had come for a more mature and discriminating philosophy, which could take account of informed criticism and comment. When this

⁵¹ Public Record Office, State Papers, Domestic, Elizabeth, vol. 244, no. 4.

⁵² *Ibid.*, vol. 170, no. 48.

did not happen, the whole concept of the 'body politic' began to seem an oppressive mechanism, and the next generation of critics was driven to seek an alternative image of society. It found it in the puritan 'ship of state', which implied a very different theory of the role of the subject in government.⁵³

University of Durham.

⁵³ For a full examination of the implications of this image, see M. Walzer, *The Revolution of the Saints* (London, 1966).